

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

Blackboard Inc.,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	JURY TRIAL DEMANDED
TechRadium, Inc.,)	
)	
Defendant.)	

BLACKBOARD’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blackboard Inc. brings this complaint for patent infringement against TechRadium, Inc., and alleges as follows:

The Parties

1. Plaintiff Blackboard Inc. (“Blackboard”) is a Delaware corporation with its principal place of business at 650 Massachusetts Avenue, N.W., Washington, D.C.

2. Defendant TechRadium, Inc. (“TechRadium”) is a Texas corporation with its principal place of business at 14105 Southwest Freeway, Building 4, Sugar Land, Texas.

Jurisdiction and Venue

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

4. This Court has personal jurisdiction over TechRadium because TechRadium is based in Texas and conducts business, has committed acts of patent infringement, and has

contributed to and induced acts of patent infringement by others in Texas (as well as elsewhere in the United States).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400 because Defendant TechRadium is subject to personal jurisdiction in this district.

Blackboard's Patent-in-Suit

6. On November 9, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,816,878, entitled "Alert Notification System" (the "'878 patent"), which is attached as Exhibit A.

7. Blackboard is the owner of all right, title, and interest in and to the '878 patent by assignment, with full and exclusive right to bring suit to enforce the '878 patent, including the right to recover for past infringement.

Count One TechRadium's Infringement of the '878 Patent

8. Blackboard realleges and incorporates the allegations of paragraphs 1-7 as if fully set forth herein.

9. The '878 patent is valid and enforceable.

10. In violation of 35 U.S.C. § 271, TechRadium uses, offers to sell, and sells within the United States products and services that infringe the '878 patent, including but not limited to all products and services that employ TechRadium's IRIS (Immediate Response Information System) technology.

11. In violation of 35 U.S.C. § 271, TechRadium also induces infringement and contributes to the infringement of the '878 patent.

12. Upon information and belief, TechRadium has willfully infringed the '878 patent.

13. TechRadium's acts of infringement of the '878 patent will continue after service of this complaint unless enjoined by the Court.

14. As a result of TechRadium's infringement, Blackboard has suffered and will continue to suffer damages.

15. Blackboard is entitled to recover from TechRadium the damages sustained by Blackboard as a result of TechRadium's wrongful acts in an amount subject to proof at trial.

16. Unless TechRadium is enjoined by this Court from continuing its infringement of the '878 patent, Blackboard will suffer irreparable harm and impairment of the value of its patent rights. Blackboard is entitled to an injunction against further infringement.

Prayer for Relief

WHEREFORE Blackboard prays from judgment and relief as follows:

- (a) That TechRadium has infringed the '878 patent under 35 U.S.C. § 271;
- (b) That TechRadium's infringement of the '878 patent has been willful;
- (c) That TechRadium be ordered to pay damages adequate to compensate Blackboard for TechRadium's infringement of the '878 patent pursuant to 35 U.S.C. § 284, including an accounting;
- (d) That TechRadium be ordered to pay treble damages pursuant to 35 U.S.C. § 284;
- (e) That TechRadium be ordered to pay Blackboard's attorney fees pursuant to 35 U.S.C. § 285;
- (f) That TechRadium, its officers, agents, and employees, and those persons acting in active concert or participation with TechRadium, and its successors and assigned, be enjoined from further patent infringement pursuant to 35 U.S.C. § 283;

- (g) That TechRadium be ordered to pay prejudgment interest;
- (h) That TechRadium be ordered to pay all of Blackboard's costs associated with this action; and
- (i) That Blackboard be granted such other and additional relief as the Court deems just and proper.

Demand for Jury Trial

Pursuant to Federal Rule of Civil Procedure 38(b), Blackboard demands trial by jury on all issues so triable.

Respectfully submitted,

/s/ J. Thad Heartfield

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